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PATENT APPLICATION
Docket No: 13914.911

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
 Watterson, et al.)
)
 Serial No.: 10/754,166)
)
 Filed: January 9, 2004)
)
 Confirmation No.: 7519)
)
 For: TREADMILL WITH MOVEABLE CONSOLE)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of May, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.)
(in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (2 pages)
- Copies of 3 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to
David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN *
R. BURNS ISRAELSEN
DAVID R. TODD
GREGORY M. TAYLOR
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

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Serial No.: 10/754,166)
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TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

Statement of relevance of selected cited references not in the English language which are not translated.

Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

* Admitted only in California
† Admitted only in New York

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

☒ Form PTO-1449 listing 22 references submitted for consideration.

☒ Copies of the 3 "other" references listed on the Form PTO-1449.

☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.

☐ Copies of the following documents from the prosecution of a previous, related application:

☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:

☐ Promptness Certification; or

☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

☐ Promptness Certificate;

☐ Petition for Consideration; and

____ Check No. in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X Any fee required in relation to filing of this letter or any documents transmitted therewith.

____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 24 day of May, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913



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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop – AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 24 day of May, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913

DBD/lrc
MMB0000000019V001

INFORMATION DISCLOSURE CITATION <small>(Use several sheets if necessary)</small>				ATTY DOCKET NO. 13914.911		SERIAL NO. 10/754,166	
				Watterson, et al.			
				FILING January 9, 2004		GROUP 3764	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	D318,699	7/30/1991	Jacobson, et al.	D21	192	
	2	D323,009	1/7/1992	Dalebout, et al.	D21	192	
	3	D323,198	1/14/1992	Dalebout, et al.	D21	192	
	4	D323,199	1/14/1992	Dalebout, et al.	D21	192	
	5	D344,557	2/22/1994	Ashby	D21	192	
	6	D348,493	7/5/1994	Ashby	D21	192	
	7	D351,202	10/4/1994	Bingham	D21	192	
	8	D351,633	10/18/1994	Bingham	D21	191	
	9	D421,779	3/21/2000	Piaget, et al.	D21	669	
	10	5,102,380	4/7/1992	Jacobson, et al.	482	54	
	11	5,104,119	4/14/1992	Lynch	482	5	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS <small>(Including Author, Title, Date, Pertinent Pages, Etc.)</small>			
		1	Flex'nStride, <i>The Affordable Cross-Training Treadmill</i> , available on information and belief at least as early as August 1993 (2 pages).
		2	Pro-Form, <i>Cross Walk</i> , available on information and belief at least as early as August 1993 (6 pages).

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



ATTY DOCKET NO.

13914.911

SERIAL NO.

10/754,166

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FILING

January 9, 2004

GROUP

3764

PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	11	5,145,481	9/8/1992	Friedebach	482	70	
	12	5,282,776	2/1/1994	Dalebout	482	118	
	13	5,336,145	8/9/1994	Keiser	482	54	
	14	5,595,556	1/21/1997	Dalebout, et al.	482	54	
	15	5,645,509	7/8/1997	Brewer, et al.	482	4	
	16	5,860,893	1/19/1999	Watterson, et al.	482	54	
	17	6,432,026 B1	8/13/2002	Wang, et al.	482	54	
	18	6,461,275 B1	10/8/2002	Wang, et al.	482	8	
	19	6,475,121 B2	11/5/2002	Wang, et al.	482	54	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		3	NordicTrack's Walk Fit, <i>The Wall Street Journal</i> , August 1993 (1 page)

EXAMINER	DATE CONSIDERED
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